

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

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DEVIN G. NUNES,)
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 Plaintiff,)
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 v.) Civil No. 1:19-cv-1148
) Hon. Liam O'Grady
 FUSION GPS, *et al.*,)
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 Defendants.)
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ORDER

Before the Court is Defendant Fusion GPS's (also known as Bean, LLC) and Defendant Glenn Simpson's Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim. Dkt. 25. Also before the Court is Defendant Campaign for Accountability, Inc.'s ("CfA's") Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim. Dkt. 28. The motions are fully briefed, and the Court dispensed with oral argument because it would not aid in the decisional process.¹

Plaintiff Devin G. Nunes ("Plaintiff" or, "Nunes") superseded his first complaint with an Amended Complaint on December 13, 2019, alleging civil violations under: (I) Racketeer Influenced and Corrupt Organizations ("RICO"); (II) RICO Conspiracy; and (III) Common Law Conspiracy. Dkt. 12. Defendants timely filed motions to dismiss—pursuant to the Court's Order of December 17, 2019 (Dkt. 17)—on January 15, 2020. Defendants raise several defenses; they challenge, *inter alia*, Plaintiff's standing to bring the suit, the Court's jurisdiction

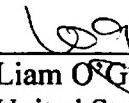
¹ Plaintiff filed a single Memorandum in Opposition to both Defendants' motions. Dkt. 31.

over Defendants under Federal Rule of Civil Procedure 12(b)(2), and the sufficiency of the complaint under Rule 12(b)(6).

Defendants raise significant questions and make meritorious arguments as to both the sufficiency of the factual pleadings and the Court's jurisdiction over these Defendants. As presently pled, the Amended Complaint includes many rote statements of law and conclusory allegations which fall short of satisfying the pleading standard per *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 550 (2007). Thus, the instant complaint is insufficient to support a substantive ruling on these issues. Accordingly, Defendants' motions to dismiss (Dkts. 25, 28) are hereby **GRANTED**, and the Amended Complaint (Dkt. 12) is hereby **DISMISSED WITHOUT PREJUDICE**. Mindful of the latitude provided in Federal Rule of Civil Procedure 15, Plaintiff shall have thirty days from the date of this order to file a second amended complaint if he can do so pursuant to Rule 11.

It is **SO ORDERED**.

February 21, 2020
Alexandria, Virginia



Liam O'Grady
United States District Judge